

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Application by Verizon New England)	
Inc., Bell Atlantic Communications,)	CC Docket No. 02-7
Inc. (d/b/a Verizon Long Distance),)	
NYNEX Long Distance Company)	
(d/b/a Verizon Enterprise Solutions),)	
Verizon Global Networks Inc., and)	
Verizon Select Services Inc., for)	
Authorization to Provide In-Region,)	
InterLATA Services in Vermont)	

To: The Commission

COMMENTS
OF ADELPHIA BUSINESS SOLUTIONS, INC.
AND ADELPHIA BUSINESS SOLUTIONS OF VERMONT, INC.

Adelphia Business Solutions, Inc. and Adelphia Business Solutions of Vermont, Inc., respectfully submit their comments to the Application by Verizon New England for Authorization to Provide In-Region InterLATA Services in Vermont.

Adelphia Business Solutions, Inc. ("ABS"), through its operating subsidiaries, provides facilities-based local exchange and long distance services as well as a wide range of other telecommunication services throughout the United States. Adelphia Business Solutions of Vermont, Inc. ("ABS-VT") is the ABS subsidiary that operates in Vermont. ABS is the largest facilities-based CLEC in the state of Vermont. It serves over 900 customers in Vermont, which include commercial business, government agencies, and hospitals and medical centers. The ABS network in Vermont covers a significant part of Vermont, not only the larger population centers such as Burlington, but more remote locations like Island Pond.

ABS and ABS-VT (collectively, “Adelphia”) takes the opportunity to comment on Verizon’s description of what type of lines ABS-VT has in Vermont, and to comment on whether Verizon has met all the checklist items, specifically the payment of reciprocal compensation.

In its pleading Verizon states that ABS-VT serves a number of lines within the state which include a number of residential lines. ABS-VT currently has no lines that it serves that it deems “residential”. There are a number of small businesses where the business is located at the owner’s home that ABS-VT serves, and certain of ABS’s customers may have PBS’x that serve senior living center situations. Nevertheless, ABS-VT believes these lines should be designated as business lines not residential. Verizon may have determined that the lines were to a residence and may have classified the lines as “residential” in preparation of the pleading. ABS-VT is unsure of the basis of Verizon’s classification, but wanted to ensure that the record was clear as to whether ABS-VT was providing “residential service.”

Verizon also claims that it meets Checklist Item 13 in that it is providing reciprocal compensation for transportation and termination of local calls to competing carriers in Vermont. It then places, in a footnote, its assertion that as the Federal Communications Commission (“Commission”) has found that intercarrier compensation for Internet-bound traffic is not subject to 47 U.S.C. §251(b)(5), compensation for such traffic is not an issue under the checklist. Adelphia has filed a complaint against Verizon in Vermont for Verizon’s failure to pay Adelphia invoices for reciprocal compensation in Vermont. Verizon has withheld payment on the basis that it claims the amounts withheld relate to the exchange of ISP-bound traffic. Verizon further claims that such traffic is not

subject to reciprocal compensation under the agreement, and cloaks its argument with the adoption of the Commission's order on intercarrier compensation for ISP-bound traffic. A hearing on the matter is tentatively scheduled for February 26, 2002.

Adelphia challenges whether Verizon has met the requirements of Checklist Item 13 when it has withheld payments of reciprocal compensation to Adelphia based on its own decisions on what portions of the amounts billed relate to ISP-bound traffic. Adelphia notes that of its 900 customers in Vermont, less than 2% of them are ISPs. Adelphia serves government entities, educational institutions, and medical institutions in Vermont. In aggregate the amounts withheld by Verizon are equal to approximately the aggregate amount of reciprocal compensation billed to Verizon for local traffic. The payments that Verizon has made cover the intraLATA traffic access charges. With the number of non-ISP businesses that Adelphia serves, even accepting Verizon's position on ISP-bound traffic (which Adelphia does not), Verizon owes a portion of the reciprocal compensation for the local traffic terminated by Adelphia to the government offices, educational institutions, and medical centers. Verizon has, to-date, not made those payments.

Accordingly, Adelphia submits that Verizon has not satisfactorily met its obligation under Checklist Item 13 and the Commission should not approve Verizon's application for in-region interLATA services in Vermont.

Respectfully submitted,

ADELPHIA BUSINESS SOLUTIONS, INC.

ADELPHIA BUSINESS SOLUTIONS OF
VERMONT, INC.

By: _____

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